



1375 Peachtree St., Level A
Atlanta, Georgia 30309

October 20, 2003

The Honorable Sam Brownback
United States Senate
Washington, DC 20510

Dear Senator Brownback:

EarthLink applauds your introduction of the *Consumers, Schools and Libraries Digital Rights Management Awareness Act of 2003*. This legislation is an important step in protecting consumers while encouraging continued innovation in the digital marketplace.

As the nation's third largest Internet service provider (ISP) serving over 5 million subscribers nationwide, EarthLink feels strongly that the unimpeded flow of information is essential for the continued development of the Internet and digital technology innovation. It is also imperative that the privacy, and safety of EarthLink subscribers and that of all digital technology users be firmly protected.

In 1998, Congress passed *The Digital Millennium Copyright Act (DMCA)* to protect the rights of copyright owners in the online world. Current application of the law however, removes any form of due process that would protect consumers from the misuse or devious behavior from anyone posing to be copyright holder.

Your proposed legislation clearly sets a working framework for Digital Rights Management (DRM) technology. A key element of your proposal prevents manufacturers of digital media products to require ISPs to disclose a subscribers' personally identifiable information absent due process. The legislation would restore judicial review, absent under the current interpretation of the DMCA, while still empowering intellectual property owners to properly defend their rights.

Protecting consumers is of the utmost importance and we thank you for your leadership in the area of consumer privacy. We commend your efforts and urge your colleagues to join with you in support of this important legislation. I look forward to working with you and your staff.

Sincerely,

A handwritten signature in black ink that reads 'Dave Baker'.

Dave Baker
Vice President of Law and Public Policy
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